

MELINDA HAAG (CABN 132612)  
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)  
Chief, Criminal Division

ANDREW M. SCOBLE (CABN 124940)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7249  
FAX: (415) 436-7234  
andrew.scoble@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. CR 12-0628 RS
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	CONTINUING DATE OF HEARING AND
v.	)	EXCLUDING TIME
	)	
CURTIS LEE JOHNSON, JR.,	)	
	)	
Defendant.	)	

STIPULATION

With the agreement of the parties, and with the consent of the defendant, the Court enters this order continuing the date of the next scheduled hearing in this case, from February 18, 2014 at 2:30 p.m. to March 18, 2014 at 2:30 p.m., and excludes the period from February 18, 2014 to March 18, 2014 from the otherwise applicable calculation under the Speedy Trial Act.

The parties represent to the Court that defense counsel is involved in a lengthy preliminary hearing in state court; that it appears that the hearing may continue for several weeks further; that defense counsel has been ordered to be present in state court for that continuing preliminary hearing on February 18, 2014 (the date of the parties' next scheduled appearance in the above-entitled case); that defense counsel is thus unable to prepare effectively for further proceedings in the above-entitled case;

1 and that failure to grant the requested continuance would unreasonably deny defense counsel the  
 2 reasonable time necessary for effective preparation, taking into account the exercise of due diligence,  
 3 and would unreasonably deny the defendant continuity of counsel. Defense counsel further represents  
 4 that the defendant agrees to the requested exclusion of time under the Speedy Trial Act, 18 U.S.C.  
 5 § 3161(h)(7)(B)(iv) to provide the reasonable time necessary for his counsel's effective preparation,  
 6 taking into account the exercise of due diligence, and for continuity of counsel.

7 The parties further represent to the Court that, while they have received a draft of the pre-plea  
 8 Criminal History Only Pre-Sentence Report, there appears to be at least one issue in that report that must  
 9 be discussed and resolved with the Probation Officer before the parties can effectively complete plea  
 10 negotiations.

11 Based on the above, the parties jointly request that the Court find that the ends of justice served  
 12 by excluding from the otherwise applicable Speedy Trial Act calculation the period from February 18,  
 13 2014 through and including March 18, 2014 outweigh the best interests of the public and the defendant  
 14 in a speedy trial, and that failure to grant the requested continuance would unreasonably deny defense  
 15 counsel the reasonable time necessary for effective preparation, taking into account the exercise of due  
 16 diligence, and would unreasonably deny the defendant continuity of counsel. 18 U.S.C. § 3161(h)(7)(A)  
 17 & (B)(iv).

18 IT IS SO STIPULATED.

19  
 20 DATED: February 12, 2014

21 /S/  
 22 MICHAEL GAINES  
 COUNSEL FOR THE DEFENDANT

23 DATED: February 12, 2014

24 /S/  
 25 ANDREW M. SCOBLE  
 ASSISTANT U.S. ATTORNEY

26 ~~PROPOSED~~ ORDER EXCLUDING TIME

27 Based upon the above stipulation, and for good cause, THE COURT FINDS THAT the ends of  
 28 justice served by granting a continuance from February 18, 2014 through and including March 18, 2014

1 outweigh the best interests of the public and the defendant in a speedy trial. THE COURT FURTHER  
2 FINDS THAT failure to grant the requested continuance would unreasonably deny defense counsel the  
3 reasonable time necessary for effective preparation, taking into account the exercise of due diligence,  
4 and would unreasonably deny the defendant continuity of counsel, within the meaning of 18 U.S.C. §  
5 3161(h)(7)(A) & (B)(iv).


6 Accordingly, THE COURT ORDERS THAT:

7 1. The status hearing in this case (currently scheduled for February 18, 2014) is continued to  
8 March 18, 2014 at 2:30 p.m.

9 2. The period from February 18, 2014 through and including March 18, 2014 is excluded  
10 from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) &  
11 (B)(iv).

12 IT IS SO ORDERED.

13 DATED: 2/13/14

  
HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE